

**TOWN OF GOSHEN**  
**TOWN COUNCIL WORK SESSION**  
**June 9, 2008**

**MINUTES**

A work session of the Town Council of the Town of Goshen was held on 9<sup>th</sup> day of June, 2008 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield      Supervisor  
         Philip Canterino        Councilman  
         George Lyons            Councilman  
         Kenneth Newbold        Councilman

Absent: Louis Cappella, Councilman

Also Present: Dennis Caplicki, Town Attorney  
                 Valma Eisma, Town Clerk

The Meeting was called to order by Supervisor Bloomfield at 7:30 p.m.

1. STATUS OF INDIANA ROAD AND DEVELOP PATHS FORWARD: Supervisor Bloomfield stated he would depart from the normal agenda and move to #14, on items for discussion, so that members of the public present could speak to the status of Indiana Road.

The Supervisor stated he would first like to give a short history of what has occurred in the last two or three weeks from the Town Board's and the Highway Superintendent's perspective. He said a few weeks ago the Highway Superintendent sent a crew out to look at some potential work on Indiana Road. The crew came back stating there were some serious problems with the road. The Highway Superintendent asked if the Supervisor and some Board Members would come take a look at the road. The Board decided to have it examined by a professional engineer, and hired Dennis Lindsey PE, from Riddick Associates, P. C., to inspect and evaluate the road. Supervisor Bloomfield explained Mr. Lindsey is a Masters Degree, Civil engineer, certified by the State of New York as a Professional Engineer. Supervisor Bloomfield stated he accompanied Mr. Lindsey on the inspection, along with the Town Attorney, Dennis Caplicki and the Highway Superintendent, Stephen Andryshak. He said they examined the entire road and the engineer kept using words such as 'sudden failure', "imminent danger", not just where the large crack is, but everywhere. His opinion is the depth of the eight to ten foot ditch and the proximity to the main access to the road was weakening the base of the road. Mr. Lindsey said the Board must cordon the road off to the public since the road is in imminent danger of failure and you need to keep people away from it. Attorney Caplicki asked that Mr. Lindsey send him a letter stating his opinion.

Supervisor Bloomfield said once Attorney Caplicki received the letter he went to speak to the Superintendent of Highways. With the advice of the Attorney, Superintendent Stephen Andryshak proceeded to close the road. Supervisor Bloomfield said Superintendent Andryshak is an elected official to do nothing more and nothing less than the Highway maintenance and has the total responsibility of the roads. "It is not a Town Board's decision, it is his decision." Mr. Andryshak made the decision to close the road.

Supervisor Bloomfield asked Attorney Caplicki to speak to the content of the letter. Attorney Caplicki stated he received a follow up letter, dated May 22, 2008, that addressed not only

Indiana Road, but also Cedar Swamp Road. He read the letter which included one section stating: 'In one area on Indiana Road we observed a longitudinal pavement separation with a wide gap in the roadway surface. I believe this is an indication of a possibly unstable road base, which could result in sudden failure. In my opinion, this longitudinal crack coupled with the deep trenches along the side of this narrow roadway creates the potential for a serious safety hazard. I recommend the Town take appropriate steps to ensure the public is protected.'" Attorney Caplicki said there are tremendous legal liabilities here based upon the condition and width of the road. The engineer stated "this is not a quick fix situation." He said because of the exposure and the notice factor he had to advise the Supervisor and Superintendent Andryshak to close certain portions of the road. He said the engineer recommended the entire road. He said he and the Supervisor were trying to lesson the impact by closing only a portion.

Supervisor Bloomfield explained that when you are told by a certified engineer that a road is dangerous and a safety hazard, you need to listen and take action. The Town's insurance company will not continue to insure when there has been previous notice of a liability. Therefore, if there should be an accident, etc. the Town would be completely responsible and the insurance company would not represent us. There can also be the case of criminal negligence holding the Council, farmers who have employees using this road, responsible for injuries or deaths on this road.

Supervisor Bloomfield stated the engineer is saying the problem is not just the Town's, but the farmers as well. He said the failure of the road is due to the depth of the ditch and it's proximity to the road, and not due to lack of maintenance, that might make it bumpy, making it "our problem." He said the Board has pictures showing the crack is wider now than it was a week ago when he was out there.

Supervisor Bloomfield said he was out of town four or five days and when he returned he tried to set up a meeting on June 5<sup>th</sup> to include the property owners in close proximity to the road, the Highway Superintendent, the engineer, Mr. Lindsey, Rick Golden, Attorney and the Board so we could try to work things out. He said one person showed up for the meeting at 8:00 a.m. at the Town Hall. He said "It behooves us all to get into this thing, because this problem is a significant problem, it is not a quick fix." Supervisor Bloomfield said in speaking to Engineer Lindsey, he was talking about \$200 per Linier Feet for 2.1 miles of road. The engineer is still looking at this to see how we can fix this road. The Supervisor said he has also been in touch with the County Executive, Edward Diana and Chuck Lee, so we do want to see this fixed so that you can continue to farm and do what you have to do.

Supervisor Bloomfield invited any one who would care to speak to the status of Indiana Road to come forward and use the microphone to speak.

We are unable to provide the entire contents of all the speakers comments, for full text refer to disc.

The following people spoke:

Ron Myruski spoke saying that since Mr. Andryshak has been Superintendent of Highways, he has not done any work on Indiana Road. He said this is kind of a self created hardship, created by Mr. Andryshak, due to the lack of repairs for the seventeen to eighteen years since he has been in office. He pointed out various roads, built in the muck, in other townships that are well kept and when they get cracks in them the townships fill them in with dirt and blacktop and cover them over. He said it seems whoever is making the decisions on this is doing so with a complete disregard for the farmers. He said he is not arguing the condition of the road, it is in terrible shape, that is obvious. The question is how did it get there? Where does the

responsibility fall for the condition of that road now? He said he felt it would be primarily Superintendent Andryshak and he asked if he was here tonight and if not why not?

Supervisor Bloomfield replied he did not know the Board would be having a Public Hearing on this tonight. He said the Board was deviating from the agenda to discuss this as a part of the Work Session.

Mr. Myruski stated he has been unable to reach Superintendent Andryshak and has tried many times. He and the farmers have called repeatedly for help on this road and has had no response. He asked how many accidents or lawsuits has this road caused? Supervisor Bloomfield replied none. Mr. Myruski said the cracks have been in that road for last five or six years.

He said it was " an insult to me as a grower to have you people go out there and say in a letter that it was the farmers that destroyed this road."

Eve Pawelski: She said she is still confused as to who has responsibility for the roads. She said earlier you said the Superintendent of Highways and not the Town Board? Supervisor Bloomfield replied the Board funds the Highway Department, but the Board does not make determinations for that department. The Highway has a twenty year road plan and they determine what roads are maintained and when. He explained that the Town has a " stand alone " elected Superintendent of Highways. Mr. Andryshak does not report to the Board, he presents his budget to the Town Board each year, but he determines what and how the work is done. Eve Pawelski said there must be some communication with the Superintendent since the Board has gone into Executive Session to discuss Indiana Road and Cedar Swamp Road. Supervisor Bloomfield replied that was due to the legal and the insurance liabilities involved. She asked what was the law that allowed the road to be closed? Attorney Caplicki replied Town Highway Law. Ms. Pawelski said she would like to know now, or have it provided later, the section of the law.

Attorney Caplicki stated the engineer was shocked at the condition of the road and immediately wanted to close the road. That was what got the Board's attention. He stated they pursued this with Mr. Andryshak and the insurance company because the safety factor was paramount.

Ms. Pawelski said she knows the road's condition, she said as farmers they suffer with this each growing season. She said what was unfortunate is that rather than talk to the farmers about the condition of this road a letter went out notifying the farmers that the road would be closed, and there was no discussion in that letter of doing anything other than close the road. "The lack of consideration that we have our crops planted down there now and we have tens of thousands of dollars invested." She said we are a business that is a part of this Town and no one thought to consult any of the farmers, and she felt it was a poor choice for Supervisor Bloomfield not to come down and speak to the farmers " when you were invited to discuss what was happening." She said "I know you have been to my farm before and you are welcome to come there anytime."

Supervisor Bloomfield said he set up the meeting, Mr. Myruski asked him to and I chose the Town Hall where we have all the maps and everything else. We called all the land owners involved and arranged for the Attorney, the engineer, the Highway Superintendent, and himself to be present. He said it was about nine o'clock that morning that he found out that your husband and others were having a press conference at your farm. "My meeting just got taken away from me." So in a conversation with your husband I said let's cancel the meeting. Ms. Pawelski said her husband had notified the Supervisor they were having a meeting. Mr. Bloomfield replied he had been out of town for five days.

Chris Pawelski spoke saying if public safety was of paramount importance, why did you only notify the landowners and not the people who rent and use the road? Supervisor Bloomfield said he did not think they knew who the renters were. Mr. Pawelski said Supervisor Bloomfield said he only wanted to meet with the land owners, not the renters. Supervisor Bloomfield said he wanted to meet with the land owners, he did not know who the renters were. Mr. Pawelski said he told the Supervisor he would bring the renters. Supervisor Bloomfield replied "what you told me sir, is that you had forty to fifty farmers out there, Channel 12 and Channel 6." "It looked more like you were more interested in a press conference than resolving the issue."

Mr. Pawelski said he was more concerned with the Highway Superintendent and the Town Board following the law. He quoted Highway Section 104 law, if you are closing a road to repair a road you have to have on file a permit of completion certificate filed in the Town Clerk's office. He asked if this was done. Supervisor Bloomfield replied yes. Mr. Pawelski also spoke of lights that would have to be placed on the road, etc. He said the blockage on Indiana Road is a violation of the code. Attorney Caplicki interrupted saying that is not accurate, with all due respect. " I am familiar with the law, and I advise the Board and I do not want to get into a dialogue." "However, I do not profess to be a farmer, and I assume Mr. Pawelski does not profess to be an attorney. "Comments are welcome, but that is not accurate." Mr. Caplicki stated there was tremendous concern for the safety hazards that our professional engineer advised us existed, perhaps imminent danger, a certificate of necessity is filed by the Superintendent of Highways and addresses that issue. He said no repair activity has commenced, it was a safety, protective issue and it has not been determined yet how this is going to be addressed.

Mr. Pawelski brought up abandoning and repairing the road and laws pertaining to those. The Attorney explained he has been out of the country but was aware of the problem in his absence. He said it was his office who sent the letters to the land owners.

Mr. Pawelski stated "your responsible for it, if you think you are going to put it on us for a special district for us to pay for it, I'm sorry." "We have been paying taxes for forty years on this road." "You are responsible."

Mrs. Pawelski stated the closing was done without any concern for the businesses down there. Supervisor Bloomfield said the first question he asked the Highway Superintendent was "can the farmers get to their fields?" He said Superintendent Andryshak replied yes.

A lengthy discussion took place between the Board and Mr. and Mrs. Pawelski. (refer to disc)

Paul Ruskiewicz, Chairman of the Walkkill Valley Drainage Improvement Association, explained that Indiana Road is one of the access roads to get to the Walkkill River both for maintenance and flood control. If the road is blocked the County and State officials will be unable to do their semi annual inspections.

A woman spoke saying with the road blocked, emergency vehicles will not have access either. Attorney Caplicki said that was another concern of the engineer.

Mr. Pawelski cited two times where emergency vehicles have been on that road with no problem.

There was again a lengthy discussion between the farmers and the Board with many concerns being repeated. Mr. Pawelski argued that Supervisor Bloomfield and the Board talked in Executive Session about Indiana Road and never told them he was going to close the road. Councilman Newbold addressed Mr. Pawelski saying "Chris this dialogue is not going to help us solve the problem out there". "What I am seeing here is a is like a personal thing." "I am here to hear the growers." " I would like to keep it to how to solve the problem."

Tomas Pahucki, said he is a resident and a County Legislator and represents that area of Goshen. He said he has lived there about fifty four years. He said when he was a teenager that straight a way where the crack is in the road, had a six inches compacted, black topped base and the ditches were the same depth and in the same place as they are now. He said it troubles him that the Town knew about it in April yet a letter went out over the Memorial Day weekend, the Town Attorney went out of the country for two weeks and the Supervisor skipped town for five days. Supervisor Bloomfield said he had a real problem with that " I have one grand daughter who was graduating from high school. Mr. Pahucki said he had a problem with that because in April you knew about it. That was the time to have the meeting if you actually wanted to do something. Mr. Pahucki said if you are talking about safety and guard rails that sounds like a prelude to abandonment and maybe you should take a look at Celery Avenue, that also has a drop off. Councilman Canterino asked Mr. Pahucki to stick to Indiana Road.

Councilman Canterino asked " do you want to move forward and get this thing resolved?" He said lets deal with the safety issue and move forward. We have already given you our intentions, this whole Board is concerned or we would not be sitting here. Let's not get personal and throw stones at each other. Let's fix Indiana Road and move forward".

A few rather heated exchanges occurred and the Supervisor recognized Pastor Farish who said he was one of the renters of the fields and he was not here to throw stones nor accuse anyone. He said his concern was the closing of the road as this will cause a great hardship on his purpose. He said he and his group raise crops to take to poor sections in various towns and counties and give the food away to those in need. He said "we feed approximately 12,000 people in a year". He said his group is made up of volunteers who come to Goshen on Saturdays to work and he said he would like to work with the Board to solve this problem. The Board said they were happy to work with him.

County Executive Edward Diana spoke saying he would be ready to come in to help in the morning. Supervisor Bloomfield said he had not reviewed that plan and would need more input from the farmers and he would have to talk to the engineer and the attorney in reference to the Town's liability issues first. County Executive Diana said his people are ready to go in and work on the road and the County would donate \$10,000 if the Town would provide \$17,000. The Supervisor said he was very glad to have the County Executive's help. He said the County Executive had called him twice offering to help and had sent out the County engineers to look at the job. County Executive Diana said he realizes this entrance is needed to get to the Wallkill River and he is ready to help repair the road as quickly as possible. Diana said he would wait to hear from the Supervisor.

Supervisor Bloomfield thanked everyone for coming and the Board returned to it's Work Session. Mr. Ray Myruski thanked the Board for allowing the farmers to come to the meeting and speak. He said he has a good feeling that the road will be done and done correctly.

#### ITEMS DISCUSSED:

1. PROPOSED GRANT FOR MID-HUDSON ESTUARY IMPROVEMENTS – SUSAN CLEAVER:  
Supervisor Bloomfield invited Ms. Cleaver to address the Board. Ms. Cleaver explained the Mid-Hudson Estuary Improvements have grants that are due the end of the month. She would like to put in an application for a grant to study effects on Otterkill/ Black Meadow Creek and it's tributaries. Ms Cleaver stated it's results would be very helpful to the Planning Board going forward. She said the total cost would be about \$35,000.00, but that would not be our cost. She said she was not asking the Board for money, but a Resolution to authorize her to apply for the grant and in-kind services. Councilman Canterino made the Motion to authorize Ms. Cleaver to

apply for the Mid-Hudson Estuary Grant. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Ms. Cleaver also presented the Board with a letter she is emailing to Manju Cherian, Region, 3 Law Enforcement, pertaining to an exposed sewer main and the cracking and possible effluent coming out of cracks. She is asking for a strict plan, with the DEC oversight, for fixing and replacing the damaged sewer pipes.

2. Review Request by Justice's for Backup Court Data System: Justices Kimberly VanHaaster and Thomas Cione approached the Board requesting approval to backup the Court's data system on the Town's server. The data backup would be performed by Fred Lewis Computers and paid from the Court's budget. The Board has no objection and expressed it's approval.

Also the Justices are asking to hire two uniformed Court Officers, Stephen J. Corrigan and Abel Hernandez. The Board discussed their resumes with the Board and Councilman Lyons again expressed his desire to have all new candidates for employment come to meet the Board before becoming employed. The Justices said the new hires will be paid \$12.50 per hour and the funds are in the budget. Councilman Lyons made a Motion to go into Executive Session for a short time to discuss a personnel question. The Motion was seconded by Councilman Canterino. Time 9:10 p.m.

Supervisor Bloomfield reopened the meeting at 9:12 p.m.

It was decided the Resolutions to hire the new officers will be placed on Thursday's agenda.

**3. REVIEW BID PROPOSALS FOR POLICE DEPARTMENT AIR CONDITIONING IMPROVEMENTS.** Supervisor Bloomfield made a Motion to authorize the Police Department to hire FLOWtech HVAC to install their air conditioning modifications to the Police Department at a cost not to exceed \$12,000.00 with \$10,800.00 of the cost being paid by a grant from Assembly Woman Annie Rabbit. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

**4. REVIEW BID PROPOSALS FOR DPW AUTOMATED FUEL DISPENSING SYSTEM:** Will be placed on Thursday's agenda for a Resolution.

**5. SET PUBLIC HEARING FOR AMMENDING CODE 73: PEDDLING & SOLICITING:** Attorney Caplicki will prepare text to set Public Hearing on Thursday.

**6. SET DATE FOR NEXT COMPREHENSIVE PLAN, ZONING MAP AND CODE WORK SESSION: POTENTIAL DATES June 18, 23, 24 or 25<sup>th</sup>:** After discussing the various dates the Board decided to hold the meeting on the 23<sup>rd</sup> of June to precede the regular Work Session meeting that will be held that night. The meeting will begin at 6:00 p.m. with the Work Session to follow at 7:30 p.m. as usual.

**7. TRAINING REQUEST BY BUILDING INSPECTOR NEAL HALLARON:** Supervisor Bloomfield explained this is a one day conference on getting more out of employees. The Building Inspector will select the " How to Inspire People to do their best." Supervisor Bloomfield made a Motion to authorize the Building Inspector to attend the one day conference with the cost not to exceed \$199.00.

**8. RESOLUTION TO PARTICIPATE IN COUNTYWIDE LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM.** Councilman Canterino explained this is a County wide sharing of data between Police Departments throughout the County. There is a \$37,000 cost that will be fully funded by the County. The Town will later have some software cost. It will be placed on Thursday's meeting. However, some members of the Board felt they had signed the agreement some time ago. The Supervisor and Clerk will follow up to see if it has been signed.

**9. AUTHORIZE SUPERVISOR TO HIRE ENGINEER TO ASSIST IN WRITING JESSUP SWITCH ROAD COMMUNITY DEVELOPMENT GRANT:** Supervisor Bloomfield said he went to the County in regard to the low to moderate income, with three ideas and the only one that would meet the requirements was Jessup Switch Road. Councilman Newbold made a Motion to authorize the Supervisor to hire engineer, Dennis Lindsay, PE of Riddick Associates to write the Jessup Switch Road Community Development Block Grant. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

**10. AUTHORIZE THE SUPERVISOR TO INVESTIGATE COST OF REPAIRING TOWN HALL CUPOLA:** Supervisor Bloomfield reported he was on the roof with the contractor and he said they did a great job. A representative of the company insisted the Supervisor accompany him to the roof to assess the job. He said the roof was very well done, but the contractor pointed out the condition of the cupola. There are pieces of slate from it that are detached and very light in weight with very sharp edges. The Contractor pointed out they could be lifted with the wind and become very dangerous should they hit someone. The cupola is in dire need of repair. Supervisor Bloomfield said he would like to have the Contractor give an estimate to repair it properly or rebuild it. Or ask if there is a way to stabilize it until next year, as the Supervisor did not feel there would be money in the budget this year. Supervisor Bloomfield will follow up on this.

**11. SUPERVISOR PLANNING GRANT:** Supervisor Bloomfield stated he had written a Planning Grant last year for the Orange County Planning Department. He said he hand carried it to David Church and upon checking on it's status found the County had lost it. Supervisor Bloomfield said he gave them a copy of it and it will take time to see if anything will be awarded. However, it is now time for a new one and the Supervisor said he has now written a new one, but would like the Board's permission to hire Ed Garling, Planner, to assist him as the County has added a lot of extra criteria and it is asking that the grant be beneficial to the County.

**12. Water/Sewer Lawn Mower:** Councilman Newbold said Mark Warren Jr. from the Water/Sewer Department has reported his lawn mower is broken. He is asking for a new mower and is quoting a price of \$6,000. The Board said he should purchase a mower such as he has now if the money is in the budget.

**EXECUTIVE SESSION:** Supervisor Bloomfield made a Motion to go into Executive Session to discuss:

1. Code Enforcement Status
  - 4 Larchwood Drive
  - 6 Larchwood Drive
  - Maloney's – 17M
2. New Law Suit For Chlorides
3. IWS Negotiations

With no intent to return. The Motion was seconded by Councilman by Councilman Newbold. Motion carried unanimously.

Time: 9:50 p.m.

---

Valma Eisma, Town Clerk